

REMARKS/ARGUMENTS

Status of the Claims

Claims 1-26 are currently pending in the application. No claims have been amended, added, or cancelled. Therefore, claims 1-26 are present for examination. Claims 1, 13, 18 and 24 are independent claims.

Rejection under 35 U.S.C. § 103, Winking in view of Crawford

Claims 1-5, 9-16, 18-21, 24 and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0167231 A1 issued to Winking et al. (“**Winking**”) in view of U.S. Patent Publication No. 2003/0046223 A1 issued to Crawford et al. (“**Crawford**”).

Applicants respectfully submit that Winking discloses a "system [in which] a client is able to submit payment transactions in different formats for processing. Depending on the submission format, the payment transaction can be processed by either a batch process or a right-time process. The right-time process processes the payment transaction in real-time upon submission thereby allowing the corresponding credit account to be updated in a more timely manner." (Winking at Abstract.) Winking further discloses that "if the credit account has a history of bounced check payments and the payment amount is made in check, then the available credit may not be adjusted until the check is cleared. On the other hand, if the payment amount was made in cash, then the full payment amount may be applied to the available credit." (*Id.* at page 3, paragraph 0024).

In contrast, claim 1, and similarly claims 13, 18, and 24, recite that "based on an analysis of the retrieved history of profile records, *generating a behavior score associated with the credit account*, wherein the behavior score assigns a level of risk to the credit account." (Emphasis provided.) Claim 1 further recites that "based on the behavior score, determining whether to perform one of the following: *float the payment, float part of the payment and apply the rest of the payment, and apply the payment in full.*" (Emphasis provided.) Applicants submit that nowhere does Winking teach or suggest these features. In fact, the Office Action at page 3,

line 3 explicitly states that "Winking does not explicitly teach" such operations. Instead, the Office Action relies on Crawford as disclosing these operations of claim 1.

Crawford discloses "[a] comprehensive score delivery and explanation service" which includes "[c]redit scores delivered to consumers", "[t]he primary reason codes that have influenced the score", "[r]epresentation of the consumer's credit bureau report", and "[a] personalized score explanation...in plain language." (Crawford at paragraphs 0007-0010). The Examiner seems to be asserting that this section of Crawford discloses that "based on an analysis of the retrieved history of profile records, *generating a behavior score associated with the credit account*, wherein the behavior score assigns a level of risk to the credit account" and that "based on the behavior score, determining whether to perform one of the following: *float the payment, float part of the payment and apply the rest of the payment, and apply the payment in full*" as recited by claim 1. (Emphasis provided.) Applicants are unable to reconcile the Examiner's assertion. As can be seen in claim 1, a behavior score is generated from a history profile and a level of risk is assigned to the creditor. Then, based on the level of risk, a determination whether to float a payment, float part and apply part of the payment, or apply the entire payment is made. Applicants are unable to find any teaching or suggestion in the portions of Crawford cited by the Examiner or in Crawford as a whole of such features. Crawford is merely a simplified viewing mechanism for a credit report/score, whereas claim 1 is a method for determining a risk associated with a creditor, and based on that risk determine how to apply a payment. Crawford does not make a risk assessment nor does Crawford determine how to apply a payment.

Therefore, for at least these reasons, Applicants submit that claim 1, and similarly claims 13, 18, and 24 are patentable over Winking and Crawford individually, or when combined in any combination.

Furthermore, claims 2-12, 14-17, 19-23 and 25-26 depend from independent claims 1, 13, 18 and 24. Thus, by virtue of their dependence on an allowable independent claim, Applicants submit that claims 2-12, 14-17, 19-23 and 25-26 are also allowable. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Rejection under 35 U.S.C. § 103, Winking in view of FICO, further in view of prior art

Claims 6-8, 17, 22-23 and 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Winking in view of FICO, further in view of Applicant admission of prior art.

Claims 6-8, 17, 22-23 and 25 depend from one of independent claims 1, 18, or 24. Thus, by virtue of their dependence on an allowable independent claim, Applicants submit that claims 6-8, 17, 22-23 and 25 are also allowable. Accordingly, Applicants respectfully request that these rejections be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested. Applicants do not acquiesce to any argument not specifically addressed herein. Rather, Applicants believe the amendments and arguments contained herein overcome all rejections presented.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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